

REMARKS

This is a full and timely response to the outstanding Non-Final Office Action mailed March 26, 2007. Through this response, claims 2, 3, 5-9, 13-28, 30, 32, 34, 35-37, 39, 42, 43, 45-51, 55, and 58-62 have been amended, claims 1, 4, and 31 have been canceled without prejudice, waiver, or disclaimer, and claims 63 and 64 have been added. Reconsideration and allowance of the application and pending claims 2, 3, 5-30, 32-37, and 39-64 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejections

Claims 1-8, 15-37 and 42-62 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rothmuller* ("*Rothmuller*," U.S. Pat. No. 5,635,989) in view of *Legall et al.* ("*Legall*," U.S. Pat. No. 6,005,565). Claims 9-14 and 39-41 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rothmuller* in view of *Legall*, and further in view of *Boyer, et al.* ("*Boyer*," U.S. Pat. No. 6,268,849). Applicants respectfully submit that the rejections have been rendered moot, and further that claims 2, 3, 5-30, 32-37, and 39-64 are allowable as a matter of law.

B. Discussion of the Rejection

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;

- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

Independent Claim 63

Claim 63 recites (with emphasis added):

63. A programmable television services client device for enabling a user to search for television program information, said client device comprising:

- memory comprising:

- program information corresponding to a plurality of television programs;

- an initial interactive program guide (IPG) arrangement; and
 - a user interface (UI) module; and

- a processor configured with the UI module to associate the program information with the initial IPG arrangement, the processor further configured with the UI module to:

- present the initial IPG arrangement on a display device, the initial IPG arrangement including a channel area, a first program display area adjacent the channel area, and **a browse-by icon;**

- receive a first user input corresponding to selection of the browse-by icon;**

- present a first IPG arrangement on the display device responsive to the first user input, the first IPG arrangement comprising a browse-by area that displaces the channel area, the browse-by area having a search option;**

- receive a second user input corresponding to selection of the search option;

- present a second IPG arrangement on the display device responsive to the second user input, the second IPG arrangement comprising a user input field that displaces the browse-by area;**

- receive a third user input corresponding to a search term, the third user input entered through the user input field;

- search the program information based on the search term;
 - and

- present a third IPG arrangement on the display device responsive to the search, the third IPG arrangement comprising a second program display area that displaces the user input field, the second program display area comprising a search result** comprising the program information for a portion

of the plurality of television programs where the search term is in a respective television program title.

Applicants respectfully submit that the rejection has been rendered moot. Further, Applicants respectfully submit that *Rothmuller* in view of *Legall* fails to disclose, teach, or suggest at least the above emphasized claim features. Accordingly, Applicants respectfully submit that claim 63 is allowable over *Rothmuller* in view of *Legall*.

Because independent claim 63 is allowable over *Rothmuller* and *Legall*, dependent claims 2, 3, 5-8, 15-30, and 59-60 are allowable as a matter of law for at least the reason that the dependent claims 2, 3, 5-8, 15-30, and 59-60 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 64

Claim 64 recites (with emphasis added):

64. A method for implementing a programmable television services client device to enable a user to search for television program information, said method for implementing a programmable television services client device comprising the steps of:
presenting an initial IPG arrangement on a display device, the initial IPG arrangement including a channel area, a first program display area adjacent the channel area, **and a browse-by icon;**
receiving a first user input corresponding to selection of the browse-by icon;
presenting a first IPG arrangement on the display device responsive to the first user input, the first IPG arrangement comprising a browse-by area that displaces the channel area, the browse-by area having a search option;
receiving a second user input corresponding to selection of the search option;
presenting a second IPG arrangement on the display device responsive to the second user input, the second IPG arrangement comprising a user input field that displaces the browse-by area;
receiving a third user input corresponding to a search term, the third user input entered through the user input field;
searching the program information based on the search term; and
presenting a third IPG arrangement on the display device responsive to the search, the third IPG arrangement comprising a second program display area that displaces the user input field, the second program display area comprising a search result comprising the

program information for a portion of the plurality of television programs where the search term is in a respective television program title.

Applicants respectfully submit that the rejection has been rendered moot. Further, Applicants respectfully submit that *Rothmuller* in view of *Legall* fails to disclose, teach, or suggest at least the above emphasized claim features. Accordingly, Applicants respectfully submit that claim 64 is allowable over *Rothmuller* in view of *Legall*.

Because independent claim 64 is allowable over *Rothmuller* and *Legall*, dependent claims 32-37, 42-58, and 61-62 are allowable as a matter of law.

Claims 9-14 and 39-41

As explained above, Applicants respectfully submit that *Rothmuller* in view of *Legall* fails to disclose, teach, or suggest at least the above emphasized claim features for independent claims 63 and 64. Further, Boyer fails to remedy at least the above-emphasized features. Accordingly, Applicants respectfully submit that claims 9-14 and 39-41, which incorporate the respective base claim features, are allowable as a matter of law.

II. Canceled Claims

As identified above, claims 1, 4, and 31 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

III. New Claims

As identified above, claims 63 and 64 have been added into the application through this Response. As set forth above, Applicants respectfully submit that these new claims

describe embodiments that are novel and unobvious in view of the art of record and, therefore, respectfully request that these claims be held to be allowable.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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